

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rainer Grimm, et al.
Serial No.: 10/089,041
Filed: March 26, 2002
Priority: PCT/EP00/09525 Filed: September 28, 2000
DE 199 46 307.7 Filed: September 28, 1999
Group Art Unit: Unknown
Examiner: Unknown
Title: VEHICLE DOOR AND ASSEMBLING METHOD AS WELL
AS DISASSEMBLING METHOD FOR THE SAME

PETITION UNDER RULE 37 CFR 1.47(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

One of the inventors of the above-referenced application, Gregory Keyes, has effectively refused to execute this application. The owner of this application is Meritor Automotive GmbH ("Meritor"). The other inventors are acting on behalf of themselves and on behalf of Mr. Keyes."

The reasons for this action are set forth below:

Gregory Keyes was employed by Meritor, and under an obligation to assign inventions to Meritor. Mr. Keyes has left Meritor and has not been located. Dr. Horst Schumacher of Konig Palgen Schumacher Kluin (Konig) in Germany, who is responsible for the original German filing

of this application, has been searching for Mr. Keyes. However, no forwarding information regarding Mr. Keyes has been obtained. Konig sent correspondence to Mr. Keyes at Meritor Automotive GmbH on December 22, 2001 regarding a previously filed patent application in which Mr. Keyes was an inventor. Mrs. Post of Meritor Frankfurt informed Konig on March 2, 2001 by telephone that Mr. Keyes had moved without leaving a new address or telephone number. Konig attempted to call Mr. Keyes at his last known phone number, but the line was no longer in service.

Konig also contacted the British law firm of Marks & Clerk (**Exhibit A**) on March 21, 2002 inquiring how to find a new address of a British citizen. Marks & Clark responded by letter (**Exhibit B**) on March 23, 2001 stating that there is no easy way of searching for a British citizen as there is no requirement in Great Britain for address registration. Additionally, Konig contacted Mrs. Anna Riley of the Personal Department of Meritor Great Britain on April 9, 2001 by facsimile (**Exhibit C**) for information relating to Mr. Keyes' address. Mrs. Riley responded by email (**Exhibit D**) on April 9, 2001 with an address and phone number for Mr. Keyes. However, this address and phone number were old ones.

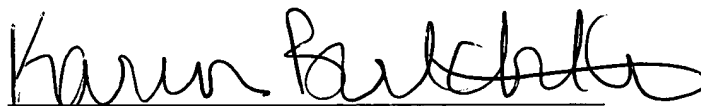
Konig also send a copy of the application to Mr. Keyes at his last known address [28 Inverclyde Road, Handsworth Wood, Birmingham, West Midlands, B20 2LJ, United Kingdom] on August 16, 2002 via registered letter (**Exhibit E**). To date, Mr. Keyes has not responded, and Konig has not been able to locate Mr. Keyes.

A check in the amount of \$300.00 (Surcharge Fee \$130.00, Assignment Recordation Fee \$40.00 and Petition for Missing Inventor Fee \$130.00) is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C.,

for any additional fees or credit the account for any overpayment. Therefore, applicant asks that processing of this application now proceed.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko

Registration No. 45,864

Attorneys for Applicant

400 West Maple Road, Suite 350

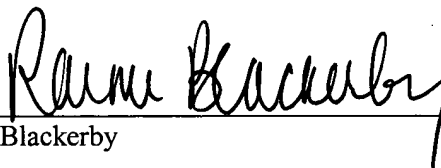
Birmingham, Michigan 48009

(248) 988-8360

Dated: August 20, 2002

CERTIFICATE OF MAILING

I hereby certify that this Petition and accompanying documents are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on August 20, 2002.



Raimi Blackerby

IN ADVANCE VIA FACSIMILE 0044-020-404-4910

MARKS & CLERK
Chartered Patent Agents
57-60 Lincoln's Inn Fields

GB - London WC2A 3LS

Dipl.-Ing. Dr. Reimar König²⁾
Dipl.-Phys. Dr. Peter Palgen¹⁾
Dipl.-Phys. Dr. H. Schumacher³⁾
Dipl.-Phys. Dr. Jörg-E. Kluin¹⁾
Dipl.-Biol. Gregor S. König²⁾

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Essen, March 21, 2001

Our Reference:

Meritor-0 HS/MB

Information

Dear Sirs:

We kindly ask you to inform us, if possible by return facsimile, how to find out the new address of a British citizen.

Kind regards

KÖNIG PALGEN SCHUMACHER KLUIN

MB

(Dr. Horst Schumacher)

SENDEBERICHT

Marks & Clerk

Meritor-0

ZEIT : 21/03/2001 11:16

DATUM/UHRZEIT
FAX-NR./NAME
U.-DAUER
SEITE(N)
ÜBERTR
MODUS

21/03 11:15
000442074044910
00:00:20
01
OK
STANDARD
ECM

EXHIBIT A

MARKS & CLERK*Intellectual Property*

European Patent Attorneys
Chartered Patent Attorneys
European Trade Mark Attorneys
Registered Trade Mark Attorneys

Established 1887

London Office

57-60 Lincoln's Inn Fields
London WC2A 3LS

Tel: +44 (0)20 7400 3000
Fax: +44 (0)20 7404 4910
Email: admin@marks-clerk.com
<http://www.marks-c-erk.com>

Dr Horst Schumacher
König Palgen Schumacher Kluin
Frühlingstrasse 43A
D-45133 Essen
GERMANY

please quote
our reference

RJO/dm/RJOZ00020

your reference

Meritor-0 HS/MB

date

23 March 2001

Document #: 678581

By Fax (confirm by mail)
00 49 201 84 230 20

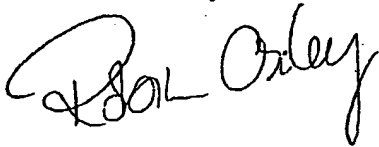
Dear Dr Schumacher

Thank you for your fax dated 21 March 2001.

In response to your query, there is no requirement for address registration as there is in Germany. Therefore, we do not know an easy way of obtaining the new address of a British citizen. It may be possible to check the electoral register, but information on the geographical region of the address is likely to be required to narrow the search. It may also be possible to go to a search agency, or investigation agency, who have more expertise in this field of searching.

I am sorry that we have not been able to help you more in your enquiry, and wish you luck in finding this information.

Yours sincerely



Robin J Oxley
MARKS & CLERK

Partners

E W B Lyndon-Stanford MA CPA EPA
W P McCallum MPA CPA EPA
A W Freed QC FRSA FRGS FRGS FRGS FRGS
C J R Gibson CPA EPA
A R Pearce BSc FRSA FRGS FRGS
D Carpentier LLB CPA EPA
D J Davison MA LLB FRSA FRGS FRGS
M K Padmore FRSA
K Whalley BSc FRSA FRGS FRGS
P J Almond BSc FRSA FRGS FRGS
M R Higgins BSc FRSA FRGS FRGS
D G Tubby BSc FRSA FRGS
E J Godwin MA CPA EPA

Partners

J A Slater MPA EPA EPA
A H W Luckhurst BSc FRSA FRGS FRGS
S P Hasford FRSA
R P Harding MA CPA EPA
S J Hackett BSc FRSA FRGS FRGS
C T Graham LLB FRSA
P D Atkinson BSc FRSA FRGS FRGS
H D Lord MA CPA EPA
R P Maury MA CPA FRSA FRGS FRGS
B J Morgan FRSA
K L Hodgkinson MA FRSA FRGS FRGS
E M Rowley FRSA
S G Mosey BSc FRSA FRGS
S J Mountney BSc FRSA FRGS FRGS

Partners

T S Andrews MA FRSA FRGS FRGS
J P Asquith MA FRSA FRGS FRGS
J Kay LLB FRSA
M J Lamb MA FRSA FRGS FRGS
R L Tow BSc FRSA FRGS
P J Withers FRSA
S M Curtis BSc FRSA
A M Suckling MA FRSA FRGS FRGS
R A Bailey BSc FRSA
J D Collins BSc FRSA FRGS FRGS

Associates

S E Smith BSc FRSA

Partners

R Lind BSc FRSA FRGS FRGS
A C Fairbairn MA FRSA FRGS FRGS
J L Midgley MA FRSA FRGS FRGS
R J Grimwood MA FRSA FRGS FRGS
P Roberts BSc FRSA FRGS
A Clark BSc FRSA
J S Pople BSc FRSA FRGS
K P Halligan FRSA
P C Barford BSc FRSA
O J Marsh BSc FRSA
C L Mountney BSc FRSA
D R Thompson LLB FRSA

M J Ainsworth FRSA

EXC-101
B-t-5X

ONLY VIA FACSIMILE 0044-121-606 04 98

Meritor Birmingham
attn. Mrs. Anna Riley
(Personal Department)

Dipl.-Ing. Dr. Reimar König²⁾
Dipl.-Phys. Dr. Peter Palgen¹⁾
Dipl.-Phys. Dr. H. Schumacher³⁾
Dipl.-Phys. Dr. Jörg-E. Kluin¹⁾
Dipl.-Biol. Gregor S. König²⁾

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Essen, April 9, 2001

Our Reference:

100 375, 100 377 HS/MB

Address of Mr. Keyes

Dear Mrs. Riley:

I refer to our telephone conversation from today. Please note our following e-mail address:

E@KPSK.DE

We now kindly ask you to send us the full address as well as the telephone number of Mr. Gregory Keyes.

We like to thank you for your kind assistance in this matter.

Kind regards,
KÖNIG PALGEN SCHUMACHER KLUIN
M. Büttgenbach
(i. A. Marita Büttgenbach)

SENDEBERICHT

ZEIT : 09/04/2001 08:26

DATUM/UHRZEIT
FAX-NR./NAME
Ü.-DAUER
SEITE(N)
ÜBERTR
MODUS

09/04 08:25
00103300441216060498
00:00:19
01
OK
STANDARD
ECM

EX-101-C

Von: Anna M Riley/Euro/Auto <rileyam@meritorauto.com>

An: e@kpsk.de <e@kpsk.de>

Datum: Montag, 9. April 2001 08:48

Betreff: Grag Keyes

Marita

Good Morning

Further to our telephone conversation today, please find the address and telephone number for Greg Keyes.

28 Inverclyde Road
Handsworth Wood
Birmingham
B20 2LJ
England

← walt-Adress

Tel: 0121-686 6340

... kein Anschluss unter dieser Nr. Ch

Good Luck !!

09. April 2001

Kind Regards

17.12

Anna

EXHIBIT D

PALGEN, SCHUMACHER & KOLLEGEN
P A T E N T A N W Ä L T E

COPY

VIA REGISTERED LETTER

Mr. Gregory Keyes
28 Inverclyde Road
Handsworth Wood
Birmingham, B20 2LJ

Great Britain

DIPL.-PHYS. DR. PETER PALGEN
DIPL.-PHYS. DR. H. SCHUMACHER

P A T E N T A N W Ä L T E
EUROPEAN PATENT ATTORNEYS
EUROPEAN TRADEMARK ATTORNEYS

Essen, August 16, 2002

Our reference:

102 085 HS/MB

Meritor File No.: 00MRA0028

United States National Phase Patent Application Ser. No. 10/089,041

following International Patent Application PCT/EP00/09525

Keyword: SANDWICH-DOOR

Dear Mr. Keyes:

In the above-identified case please find enclosed a copy of the above-mentioned U.S. patent application (document WO 01/23200) as well as a copy of the Preliminary Amendment filed with the U.S. Patent and Trademark Office.

As a further enclosure please find the Assignment and Declaration/Power of Attorney (in duplicate) for signature.

Please return the signed documents to our office in Essen as soon as possible.

Furthermore we kindly ask you to give a short information about your new address.

Kind regards,
PALGEN, SCHUMACHER & KOLLEGEN

(Dr. Horst Schumacher)

Encl.

EXC-10-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: VEHICLE DOOR AND ASSEMBLING METHOD AS WELL
AS DISASSEMBLING METHOD FOR THE SAME

STATEMENT OF LAST KNOWN ADDRESS

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

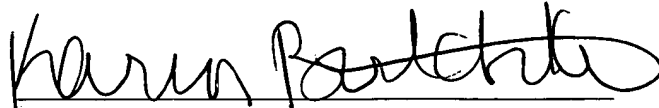
The last known address of the refusing inventor, Gregory Keyes is:

28 Inverclyde Road
Handsworth Wood
Birmingham, West Midlands
B20 2LJ, United Kingdom

To the best of my knowledge and information, I believe this was the last known address for
Mr. Keyes.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

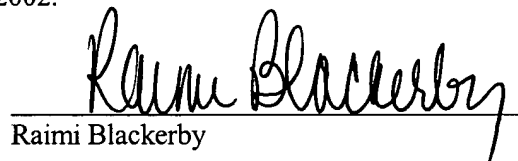


Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: August 20, 2002

CERTIFICATE OF MAILING

I hereby certify that this Statement and accompanying documents are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on August 20, 2002.


Raimi Blackerby